



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2403272  
**Applicant Name :** Gary Swanson  
**Address of Proposal:** 840 SW Holden Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into five (5) lots (Unit Lot Subdivision) in an *Environmentally Critical Area (ECA)*. Proposed lot sizes are: A) 1,462.5 square feet, B) 1017.5 square feet, C) 1081.73 square feet, D) 1,334.3 square feet; and E) 6,128 square feet. Related projects: establish use and construct a four unit townhouse structure with the existing single family residence to remain, MUP No. 2201030 and *ECA* Limited Exemption 2204188.

The following approval is required:

**Short Subdivision** - to subdivide one existing parcel into five lots, a unit subdivision. (Chapter 23.24.046, Seattle Municipal Code).

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒<sup>1</sup> DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

**BACKGROUND**

**Site and Vicinity Description**

The approximately 11,024 square foot property is located at the northeast corner of the intersection of SW Holden Street and Highland Park Way Southwest. The site is split zoned and includes a vacated north to south alley. The area to the west of the vacated alley is zoned Lowrise 2 (L2); the remainder of

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<sup>1</sup> DNS Published 9/29/03 under Master Use Permit #2201030.

the site is zoned Single-Family 5000 (SF 5000). The site contains an *Environmentally Critical Area-Steep Slope*.

The surrounding zoning is L2 for the parcels along Highland Park Way SW on the north side of SW Holden Street and those to the west along both sides of SW Holden Street. The parcels on the south side of SW Holden Street and along Highland Park Way SW south of SW Holden Street are zoned Lowrise 1 (L1). Beyond these Lowrise zoned areas the surrounding zoning is SF 5000.

### Proposal

The proposal is to subdivide one lot into five (5) unit lots. The parent lot is 11,024 square feet in area. The proposed lot sizes are: A) 1,462.5 square feet, B) 1017.5 square feet, C) 1081.73 square feet, D) 1,334.3 square feet, and E) 6,128 square feet. Lot E is the only lot zoned SF 5000. Vehicle and pedestrian access for proposed Unit Lots A through D will be from Highland Park Way SW. Vehicle and pedestrian access for proposed Unit Lot E will remain from SW Holden Street. A 5 foot emergency access easement will be provided on proposed Lot E in the location of the vacated alley for the benefit of proposed Lots A through D. The new structures containing proposed Unit Lots A through D have been reviewed and approved for applicable compliance with the Land Use Code and compliance with the Regulations for Environmentally Critical Areas under MUP No. 2201030. The structure on proposed Lot E is an existing single-family structure.

### Public Comments

The comment period for this proposal ended on June 16, 2004. No comment letters were received.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing tree;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the*

*construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Building Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities, City Light; and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is split-zoned Multi-Family Lowrise 2 (L-2) and Single-Family 5000 (SF 5000) and all development must conform to the requirements of the applicable provisions of the Seattle Municipal Code (SMC). These provisions include, but are not limited to, yards, setbacks, lot coverage, building height, usable open space, landscaping, and parking requirements. The establishment of use for the townhouses and their construction was reviewed under these provisions, approved, and permitted under MUP No. 2201030. The single-family structure on proposed Unit Lot E is previously existing.

The allowable density of the L2 portion of the subject property is one dwelling unit per twelve-hundred (1,200) square feet of lot area. The lot area for the L2 portion is approximately 4,896 square feet, hence four (4) townhouse units are allowed. Maximum lot coverage is fifty (50) percent for townhouse units. Minimum lot size for a single-family structure in a SF 5000 zone is 5,000 sf. Total lot coverage of the proposed townhouse structure and the minimum lot size for the existing single-family structure were reviewed for conformance with these requirements and approved under MUP No. 2201030. Required parking for all units will be provided on their respective sites and is accessed from either Highland Park Way SW or Southwest Holden Street. Pedestrian access to all units is as described in *Site and Vicinity Description* above. Building set-backs, height limitations, and the provision of open space were reviewed for conformance to the development codes for this zone and were approved under the above-mentioned MUP.

An average of 300 square feet of open space is required for each L2 dwelling unit and no individual unit is to have less than 200 square feet of open space (SMC 23.45.016). There is a total of approximately 1,236 square feet of open space for the 4 townhouse units, which is approximately 309 square feet average per unit. Thus this proposal conforms to the Land Use Code provisions for open space.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Vehicle access for all units is provided as described in *Criterion 1* above.

All utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement (#240430-3-016) to provide for electrical facilities and service to the proposed lots, which must be included on the final plat. (Attachment A)

The Seattle Fire Department has reviewed and approved the proposed unit lot subdivision for the provision of adequate emergency vehicle and personnel access.

The proposed townhouse Unit Lots will be addressed from Highland Park Way SW and the existing single-family structure is addressed from Southwest Holden Street.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

Review for drainage and sanitary sewage disposal indicates these services are adequately provided for this unit lot subdivision.

Seattle Public Utilities has reviewed this proposal and assures water availability access for all parcels. A minimum five (5) foot easement for water utility access is required for proposed Unit Lot E across one or more of Units Lots A, B, C, and/or D (to be determined in consultation with Seattle Public Utilities). Unit Lots A through D can obtain access directly from the right of way (See Water Availability Certificate # 20040817).

4. *Whether the public use and interests are served by permitting the proposed division of land;*

Unit Lot Subdivision allows for the subdivision of common wall (attached) ground related townhouse structures and residential cluster developments amongst other housing types. Ground related townhouse structures are allowed outright in the L-2 zone; single-family structures are allowed outright in the SF 5000 zone. Together the townhouse and single-family structure are cluster housing, also permitted in both zones. This process therefore makes possible separate ownership of individual units that otherwise would be owned by one party and consequently some or all unit lots would be available on a shared ownership or rental basis only.

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code for L-2 and SF 5000 development regulations and the applicable approval criteria for short platting.

The public use and interests are thereby served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

A portion of this site is designated as an *Environmentally Critical Area-Steep Slope* as defined in SMC 25.09.240. The *Steep Slope* area is a small portion of the northwest corner of proposed Unit Lot A. A *Limited Exemption* from the *Steep Slope* development standards was issued (No. 2204188) after finding that the steep slope area is a small and not a part of any larger slope system.

6. *Is designed to maximize the retention of existing trees;*

There are no existing trees on the lot. As a part of approval for the construction of the townhouse structures (MUP 2201030) SMC 23.45.015 requires the planting of a minimum of

2 caliper inches of tree for each 1,000 square feet of lot area. For this 4,896 square foot lot the required caliper inches of trees will be 10 inches.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

One townhouse structure and the expansion of a single-family structure to a duplex were approved under MUP 2201030. Pursuant to SMC 23.24.045(A and B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards at the time of approval. To assure that future owners have constructive notice that additional development may be limited due to nonconformities the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited because of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

#### Summary

The proposed Unit Lot Subdivision meets the criteria of SMC 23.24.040 and 045, Short Plats and Unit Lot Subdivisions. Pursuant to the above discussion and the following conditions, it is thereby approved.

#### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

#### **CONDITIONS - SHORT SUBDIVISION**

##### Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Submit the corrected final recording forms for approval and any necessary fees.
2. Insert the following on the face of the plat: “The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”

3. Include the attached utility easement from Seattle City Light on the face of the plat and in the legal descriptions of effected Unit Lots.
4. Include a water utility easement on the face of the plat and in the legal descriptions of effected Unit Lots as described in Water Availability Certificate 20040817 and to be determined by Seattle Public Utilities.
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and integrated building elements, such as roofs, exterior walls and shared private utility infrastructure for the townhouse structure.
6. Determine if the date of visit to the monuments in "Survey Notes" on Sheet 4 is correct, and if not, insert correct date.
7. Correctly delineate the 5 foot emergency access easement shown on Sheet 5. Area between the eastern property line and the dotted line to its east measures at 4 feet. Show extend and all boundaries of easement on face of plat.
8. Change the following sentence in the legal description for all unit lots from "Together with alley vacated under ordinance number 87510" to "Together with that portion of the alley vacated under ordinance number 87510 described below".

Signature: (signature on file) Date: August 30, 2004

Art Pederson, Land Use Planner  
Department of Planning and Development  
Land Use Services

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Attachments: Attachment A Seattle City Light